

## REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated August 3, 2009.

Claims 1-10 are pending in the present application with claim 1 being in independent form.

A copy of the claims indicating the present status of each is included herewith for the convenience of the Examiner.

Claims 1-4 and 6-10 are stated to be obvious over Chen (US 2003/0161284) in view of Terasawa (US 2002/0122396). Claim 5 is stated to be obvious over Chen in view of Terasawa, in further view of Larsson et al. (US 2003/0100318). Reconsideration of these rejections is respectfully requested.

Claim 1 is the sole independent claim in the application and includes the recitation that the radio base station apparatus includes:

“a shared resource unit having a processing device, as a shared resource, for processing a signal of each call; and

a buffer unit for sending a received signal to said processing device of said shared resource unit when the received signal is a signal of a call which is in a diversity hand-over state, such that the received signal can be transmitted at a predetermined timing synchronized for multiple base stations, and for holding the received signal in a data buffer, when the received signal is not a signal of a call which is in a diversity hand-over state, and for subsequently sending the received signal to said processing device at a timing at which said processing device becomes available.”

As was described in Applicants’ previous response Chen is configured to handle “soft handover,” as described in paragraphs [0046] - [0052] thereof. Chen also describes a prioritizing scheme which involves queuing as is evident from the text beginning at paragraph [0114] *et seq.* In other words, packets are queued and handled according to their priority of service status. *See* for example paragraph [0119]. The Examiner concedes that Chen does not disclose that transmitting “at a predetermined timing synchronized for multiple base stations.” as required by claim 1.

Applicant, however, still respectively disputes the notion that Chen discloses or even possesses “a shared resource unit” in the sense of the present claims.

As was previously explained, the notion of a shared resource unit is intertwined with the function provided by the buffer unit and the overall radio base station apparatus pursuant to which the received signal is sent to the processing device of the shared resource unit when the received

signal is a signal of a call which is in a diversity hand-over state. The purpose of that shared resource unit is:

“ . . . such that the received signal can be transmitted at a predetermined timing synchronized for multiple base stations. . . . ”

In contrast, when a signal is not a diversity hand-over type of a signal, different timing is applicable which depends on the availability of the processing device. This structure and functionality are simply not found in Chen, as the Examiner concedes in the present Office Action.

Terasawa also fails to disclose this feature. While the Examiner refers to paragraphs [0070], [0071] and [0079] of Terasawa as allegedly disclosing this feature, this is clearly incorrect.

Terasawa discloses modifying signals sent from asynchronous base stations such that they arrive at a remote unit at substantially the same time. There is no disclosure however, in Terasawa of “a buffer unit for sending a received signal to said processing device of said shared resource unit when the received signal is a signal of a call which is in a diversity hand-over state, such that the received signal can be transmitted at a predetermined timing synchronized for multiple base stations. . . . ” as is required by claim 1. In contrast, Terasawa disclosing transmission of signals from asynchronous base stations to a mobile station such that they arrive at the same time.

Accordingly, it is respectfully submitted that claim 1, and the claims depending therefrom, are patentable over the cited art and in condition for allowance.

The remaining claims 2-10 depend on claim 1 and are believed to be patentable since none of the references relied on by the Examiner show or suggest the patentable features of claim 1 described above.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,



MAX MOSKOWITZ  
Registration No.: 30,576  
OSTROLENK FABER LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE UNITED STATES  
PATENT AND TRADEMARK OFFICE  
EFS FILING SYSTEM  
ON OCTOBER 29, 2009